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REMARKS

The present preliminary amendment is submitted pursuant to telephone conversations between the undersigned and the Examiner on January 26 and February 2 of this year.

In the amendment, claim 1 is amended to replace the word "dimension" with the phrase "length associated with two features" and claim 6 is amended to correct for obvious clerical errors and replace the word "clam" with the word "claim" and to remove a fragment of unrelated text that appears after the period in the claim.

The following remarks are made to further elucidate arguments put forth in the amendment accompanying the RCE filed on January 17, 2006 in support of the clarity and patentability of claim 1, claim 1 as currently amended, claims dependent thereon and in response to the telephone conversations with the Examiner.

As noted in the amendment accompanying the RCE, the dimension of an obstacle is a clear and well-defined concept and is, as recited in the amended claim 1, a length, such as for example a width, a length, a height, or a diagonal length, associated with two different features of the obstacle. A length associated with two different features of an obstacle in an image is a distance in the image associated with two features of the obstacle in the image and is defined by at least one spatial coordinate in the image associated with each of the two features. For example, if the obstacle is a vehicle, the distance between two features of the vehicle might be a distance in the image between two headlights of the vehicle or a width of a license plate, for which the two different features are two different edges of the license plate. Or by way of further example, the length might be a height of the vehicle or feature thereof relative to the bottom of a vehicle wheel, which may be measured as the height of the vehicle or feature above the road.

A ratio recited in claim 1 between a length of the obstacle in a first one of the at least two images and the same length of the obstacle in a second one of the at least two images is a ratio between a length associated with two features of the obstacle in the first image and the same length associated with the same two features of the obstacle in the second image. Using the example of the obstacle being a vehicle, let the length used to define the ratio be, by way of example, a distance between taillights of a vehicle in at least two images. In each of the images, the distance is a function of, and is defined by, the spatial coordinates of both taillights in the images. The ratio is a ratio between the length that separates the taillights in one of the at

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least two images and the length that separates the same taillights in another of the at least two images.

Reiterating a portion of the argument provided in the previous amendment filed with the RCE, there is no way that Sasaki's "Z" defined in equation 6 can be construed to teach, imply or encompass in any way the ratio claimed in claim 1. All the variables X', x, α, and u, that define Z refer to coordinates of a same single feature of an obstacle, (i.e. the other vehicle). For example, all of Sasaki's variables X', x, α, u and therefore Z, may be defined with reference to one of the taillights referred to in the above discussion, but not both of them. For such a case, Sasaki's variables and Z are defined by the spatial coordinates of only the one taillights at two different times t_1 and t_2. Since Sasaki's formulae are not in any way based on, and do not include, spatial coordinates of two different taillights, there is no way in which Sasaki's formula can be manipulated to exhibit a dependence, direct or indirect, on coordinates of two headlights or the coordinates of the one headlight and the coordinates of any other feature of the vehicle. Z cannot therefore be understood to be a function of, or in any way be related to, a ratio of a length associated with two different features of an obstacle in one image to the same length associated with the same feature in another image.

Furthermore, on the basis of a dimensional analysis of Z, an assertion that Z is a ratio of lengths of an obstacle must be rejected. Z, as defined by equation 6, has units of length. A ratio of lengths of an obstacle as claimed in amended claim 1 on the other hand is a dimensionless number and is not associated with any units, i.e the ratio is a pure number. Again, Z cannot therefore be considered in any way or manner a ratio of dimensions of an obstacle.

The undersigned thanks the Examiner for courtesy of the phone conversation and her helpful and constructive comments. An action on the merits is respectfully awaited.

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William H. Dippert, Esq.
Wolf, Block, Schorr & Solis-Cohen LLP
250 Park Avenue
New York, NY 10177

Tel: 212-986-1116

Respectfully submitted,
Gideon P. STEIN, et al.

Michael J. GERVER
Reg. No. 52,940

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